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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/493,119

01/28/2000

David Field Showers

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03/31/2003

PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE, CA 95134

EXAMINER

TRUONG, BAO Q

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/493,119

Applicant(s)

SHOWERS ET AL.

Examiner

Bao Q. Truong

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,7-12 and 14-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7-12,14-16,18-20,23 and 27-30 is/are rejected.
- 7) ☒ Claim(s) 17,21,22 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 17 October 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 December 2002 has been entered.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Australia on 28 July 1998. It is noted, however, that applicant has not filed a certified copy of the PCT/AU98/00602 application as required by 35 U.S.C. 119(b).

3. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Australia on 28 July 1998. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Drawings

4. The corrected or substitute drawings were received on 17 October 2001. These drawings are approved.
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "multiple scattering elements" in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claims 7, 16, 18, 19, 20 and 27-30 are objected to because of the following informalities:

Claim 7, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 16, there are lack of antecedent basis for "the components" and "the other".

Claim 18, there is lack of antecedent basis for "the device".

Claims 19 and 20, the applicant has not clearly described what are "other similar housing" and "other components"; "the housing" should be changed to —the elongate housing— for consistency.

Claim 24, "electrically a physically" on line 2 should be changed to —electrically and physically--.

Claims 27-30, the preamble of those claims are not matched.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 7-12, 14-16, 18-20, 23 and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrara [US 6,183,104].

Regarding claim 1, Ferrara discloses an elongate housing [22] with a hollow enclosure, at least one opening and at least partially translucent, a plurality of light sources [24] arranged at intervals within the hollow enclosure, a separated fastener [129]. The elongate housing [22] overlies the plurality of light sources [24] diffuses light

from the light sources [24] (figures 1-5, column 6 lines 28-48, column 8 lines 50-67, column 9 lines 1-16).

Regarding claim 3, Ferrara discloses the housing [22] including scattering element (column 8 lines 60-67, column 9 lines 1-16).

Regarding claim 7, Ferrara discloses LEDs (column 7 line 22).

Regarding claim 8, Ferrara discloses an outer face of the house [22] being convex (figure 4).

Regarding claims 9, 10 and 11, Ferrara discloses the housing [22] (figures 3 and 4).

Regarding claim 12, Ferrara discloses LEDs [24] and a printed circuit board strip [21] (column 7 lines 11-28).

Regarding claim 14, Ferrara discloses a mounting rail [28] for sliding engagement with the housing [22] (figures 3 and 4).

Regarding claim 15, Ferrara discloses that the housing [22] overlies the rail [28] (figure 4).

Regarding claim 16, Ferrara discloses an extending rib means on the rail [28] and a complementary groove means [27a] on the base [21] (figures 3 and 4).

Regarding claim 18, Ferrara discloses a face of the rail [28] (figures 3 and 4).

Regarding claim 19, Ferrara discloses a connector [60] to couple a pair of the housings [22] (figures 1, 10 and 11).

Regarding claim 20, Ferrara discloses a flexible connector [60] (figures 1, 10 and 11, column 11 lines 15-20).

Regarding claim 23, Ferrara discloses a means [63, 63a] to electrically and physically interconnect two circuit board strips (figures 4 and 10-12).

Regarding claims 27-30, Ferrara discloses a decorative light system on a building structure (figures 1-2)

Allowable Subject Matter

9. Claims 17, 21, 22, 24, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 17, there are opposed longitudinal undercut formations in the groove means.

Claim 21, there is a thin wall portion is between the pair of generally tubular portion.

Claim 22 is dependent on claim 21.

Claim 24, there is a resiliently deformable means on the integral molded body of the connector.

Claims 25 and 26 are dependent on claims 24.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Byers [US 5,707,136] discloses a strip lighting system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (703) 308-6452. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.


Stephen Husar
Primary Examiner

Bao Q. Truong
Examiner
Art Unit 2875

BQT
March 19, 2003